

MONDAY, FEBRUARY 6, 2012

FIFTY-FIRST LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Representative Favors.

Representative Favors led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 96

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Gilmore; business

Representative J. Turner; personal

MESSAGE FROM THE SENATE
February 3, 2012

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 520, 521, 522, 524, 525, 527, 531, 532, 534, 535, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550 and 551; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

SIGNED
February 3, 2012

The Speaker announced that she had signed the following: Senate Joint Resolution(s) No(s). 520, 521, 522, 524, 525, 527, 531, 532, 534, 535, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550 and 551.

PRESENT IN CHAMBER

Representative(s) S. Jones was/were recorded as being present in the Chamber.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 634 --Naming and Designating - Designates "The Volunteer State" as official nickname of State of Tennessee. by *Haynes,*Fitzhugh, *Montgomery, *Williams R, *Matlock, *Niceley, *Brooks H, *Dunn, *Hall.

House State and Local Government Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 9, 2012:

House Joint Resolution No. 638 --Memorials, Recognition - WNOX Radio Station, 90th anniversary. by *Haynes, *Armstrong, *Dunn, *Niceley, *Brooks H, *Hall, *Tindell.

House Joint Resolution No. 639 -- Memorials, Retirement - Donald Alexander. by *Gotto, *Harwell, *Casada, *Sargent, *Hill.

House Joint Resolution No. 641 -- Memorials, Congratulations - Civil Air Patrol, 70th Anniversary. by *Brooks K, *Matlock, *Lundberg, *Dean, *Sanderson, *Ragan, *Gotto, *Pody, *Sparks, *Jones S, *Hawk, *McDonald, *Hurley, *Johnson C, *Williams K, *Ford, *Todd, *Womick, *Miller L, *Armstrong, *Rich.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 9, 2012:

Senate Joint Resolution No. 562 -- Memorials, Professional Achievement - Dennis Vonderfecht, 2012 Ned R. McWherter Leadership Award. by *Crowe, *Ford.

MONDAY, FEBRUARY 6, 2012 – FIFTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION

Senate Joint Resolution No. 563 -- Memorials, Sports - Lipscomb University volleyball team, 2011 Atlantic Sun Conference Tournament champions. by *Roberts, *Ford.

Senate Joint Resolution No. 566 -- Memorials, Death - Lowell Smith. by *Burks, *Tracy.

Senate Joint Resolution No. 570 -- Memorials, Sports - Tennessee Technology University football team. by *Burks, *Tracy, *Barnes, *Beavers, *Bell, *Berke, *Campfield, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Harper, *Haynes, *Henry, *Herron, *Johnson, *Kelsey, *Ketrone, *Kyle, *Marrero, *Massey, *McNally, *Norris, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tate, *Watson, *Yager, *Ramsey.

Senate Joint Resolution No. 573 -- Memorials, Recognition - First Presbyterian Church, 200th anniversary. by *Ketrone, *Tracy.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3833 -- Maury County - As introduced, subject to local approval, sets the number of members of the Maury County Board of Education at 11 to be elected from school districts coextensive with the county commission districts; sets staggered four-year terms for such school board members. - Repeals Chapter 44 of the Private Acts of 1973. by *Butt.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2255** -- Public Contracts - As introduced, requires the chief procurement officer to develop a transition plan by "April 1, 2012", instead of "October 1, 2011", and corrects various typographical errors in provisions governing the procurement office and the authorized entity to promulgate rules with regard to state contracting with illegal immigrants. - Amends TCA Title 4, Chapter 56, Part 1 and Title 12, Chapter 4. by *Ketrone, (HB2393 by *Johnson C)

***Senate Bill No. 2258** -- Public Funds and Financing - As introduced, makes the authorization for the state funding board to sell bonds at private sale permanent; currently, authorization is scheduled to expire June 30, 2012. - Amends TCA Section 9-9-205. by *McNally. (HB2396 by *Sargent)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3806 -- Workers Compensation -- House Consumer and Employee Affairs Committee

4006

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

MONDAY, FEBRUARY 6, 2012 – FIFTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 3807 -- Revenue -- House Judiciary Committee

House Bill No. 3808 -- Abortion -- House Health and Human Resources Committee

House Bill No. 3809 -- Fiscal Review Committee -- House State and Local Government Committee

House Bill No. 3810 -- Teachers, Principals and School Personnel -- House Education Committee

House Bill No. 3811 -- Education -- House Education Committee

House Bill No. 3812 -- Education -- House Education Committee

House Bill No. 3813 -- Education -- House Education Committee

House Bill No. 3814 -- Health, Dept. of -- House Health and Human Resources Committee

House Bill No. 3815 -- Criminal Offenses -- House Judiciary Committee

House Bill No. 3816 -- Lottery, Scholarships and Programs -- House Education Committee

House Bill No. 3817 -- Insurance, Health, Accident -- House Commerce Committee

House Bill No. 3818 -- Firearms and Ammunition -- House Judiciary Committee

House Bill No. 3819 -- Financial Disclosure -- House State and Local Government Committee

***House Bill No. 3820** -- Handgun Permits -- House Judiciary Committee

House Bill No. 3821 -- Criminal Offenses -- House State and Local Government Committee

House Bill No. 3822 -- Short Term Loans and Lenders -- House Commerce Committee

House Bill No. 3823 -- Professions and Occupations -- House Commerce Committee

***House Bill No. 3824** -- Education -- House Education Committee

House Bill No. 3825 -- Teachers, Principals and School Personnel -- House Education Committee

House Bill No. 3826 -- Clerks, Court -- House Judiciary Committee

House Bill No. 3827 -- Garnishments and Executions -- House Judiciary Committee

House Bill No. 3828 -- Metropolitan Government -- House State and Local Government Committee

***House Bill No. 3829** -- Education, Higher -- House Education Committee

House Bill No. 3830 -- Public Health -- House Commerce Committee

House Bill No. 3831 -- Teachers, Principals and School Personnel -- House Education Committee

House Bill No. 3832 -- Taxes -- House Finance, Ways and Means Committee

CONSENT CALENDAR

House Joint Resolution No. 630 -- Memorials, Personal Achievement - Nathan Poplin, Eagle Scout. by *Carr.

Senate Joint Resolution No. 553 -- Memorials, Retirement - Tom Tozer. by *Tracy, *Ketron.

Senate Joint Resolution No. 554 -- Memorials, Recognition - First Christian Church, 100th anniversary. by *Overbey.

Senate Joint Resolution No. 555 -- Memorials, Recognition - Claire Coker, National President of DECA. by *Massey, *Campfield, *McNally, *Faulk.

Senate Joint Resolution No. 556 -- Memorials, Recognition - Rocky Mount Museum. by *Ramsey, *Crowe, *Faulk.

Senate Joint Resolution No. 557 -- Memorials, Retirement - John Chiaramonte, Jr. by *Johnson, *Henry, *Herron, *Barnes, *Beavers, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Harper, *Haynes, *Kelsey, *Ketron, *Kyle, *Marrero, *Massey, *McNally, *Norris, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tate, *Tracy, *Watson, *Yager, *Ramsey.

Senate Joint Resolution No. 558 -- Memorials, Death - Earl Bruce Parker. by *Yager.

Senate Joint Resolution No. 559 -- Memorials, Public Service - Representative Gary Moore. by *Haynes, *Harper, *Henry, *Barnes, *Beavers, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Herron, *Johnson, *Kelsey, *Ketron, *Kyle, *Marrero, *Massey, *McNally, *Norris, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tate, *Tracy, *Watson, *Yager, *Ramsey.

Senate Joint Resolution No. 560 -- Memorials, Death - Bobby Lloyd Prater. by *Stewart.

Rep. Moore moved that he be recorded as voting “present and not voting” on Senate Joint Resolution No. 559, which motion prevailed.

Rep. Fitzhugh moved that all members voting aye on Senate Joint Resolution No. 559 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

MONDAY, FEBRUARY 6, 2012 – FIFTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

Representatives present and not voting were: Moore -- 1

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

House Joint Resolution No. 574 -- Memorials, Sports - James Counce, 2011 Titans High School Football Coach of the Year. by *Wirgau.

Senate Amendment No. 1

AMEND House Joint Resolution No. 574 By deleting the fourth clause in the preamble in its entirety and substituting the following language:

WHEREAS, under Coach Counce's exemplary leadership and guidance during this past season, the Patriots have amassed an astonishing 15-0 record and captured their first ever Division I-Class AAAAA state championship; and

Rep. Wirgau moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 574**, which motion prevailed by the following vote:

Ayes	96
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J,

4009

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

MONDAY, FEBRUARY 6, 2012 – FIFTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION

DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tindell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Todd, **House Bill No. 1015** was withdrawn from the House.

On motion of Rep. C. Johnson, **House Bill No. 3056** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Harmon, **House Bill No. 2689** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Pody, **House Bill No. 2906** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Pody, **House Bill No. 2907** was recalled from the State and Local Government Committee and withdrawn from the House.

RULES SUSPENDED

Rep. McManus moved that the rules be suspended in order to allow **House Bill No. 1442** to be heard in the Commerce Subcommittee this week on Tuesday, February 7, 2012.

Without objection, it was so ordered.

BILLS WITHDRAWN

On motion of Rep. McManus, **House Bill No. 1543** was recalled from the Commerce Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Shipley moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 637 out of order, which motion prevailed.

House Joint Resolution No. 637 -- Memorials, Recognition - 2012 Phi Theta Kappa All-American Academic Team. by *Shipley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Shipley, with the request that all members voting aye be added as co-prime sponsors, the resolution was adopted, with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Montgomery, **House Bill No. 1237** was recalled from the Education Committee and withdrawn from the House.

JOURNAL CORRECTION

Representative McMormick moved that the Clerk correct all records, including the Journal, to reflect House Bill No. 1304 was passed on third and final consideration by the House on May 18, 2011, and therefore could not have been withdrawn on February 2, 2012.

Without objection, it was so ordered.

ANNOUNCEMENTS

REPORTS FILED

The Clerk announced that the Employee Misclassification Advisory Task Force Annual Report has been filed with the Clerk's Office and is available for review.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 587 Rep(s). Butt as prime sponsor(s).

House Bill No. 1000 Rep(s). Ragan as prime sponsor(s).

House Bill No. 1442 Rep(s). McCormick and Pody as prime sponsor(s).

House Bill No. 2388 Rep(s). Moore as prime sponsor(s).

House Bill No. 2389 Rep(s). Moore as prime sponsor(s).

House Bill No. 2390 Rep(s). Moore as prime sponsor(s).

House Bill No. 2843 Rep(s). Hurley as prime sponsor(s).

House Bill No. 2926 Rep(s). Ford as prime sponsor(s).

House Bill No. 3007 Rep(s). Harmon, Dean, Tidwell, Hill, Hawk, Ford, Cobb, McDonald, Ramsey, Bass, Shipley, Camper, Weaver and Stewart as prime sponsor(s).

House Bill No. 3425 Rep(s). K. Brooks as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Maggart was/were removed as sponsor(s) of **House Bill No. 1442**.

On motion, Rep(s). McCormick was/were removed as sponsor(s) of **House Bill No. 2776**.

REPORT OF CHIEF ENGROSSING CLERK February 6, 2012

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 593, 594, 598 and 603; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

ENGROSSED BILLS February 6, 2012

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 630 and 637.

BETTY KAY FRANCIS, Chief Engrossing Clerk

SIGNED February 6, 2012

The Speaker announced that she had signed the following: House Bill(s) No(s). 2035.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
February 6, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 199, 567, 601, 605, 608, 611, 613, 615, 616, 632 and 633; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
February 6, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 629; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 96

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 96

RECESS MOTION

On motion of Rep. McCormick, the House stood in recess until 9:00 a.m., Thursday, February 9, 2012.